

## **CHAPTER 20I. ADAIR PARK HISTORIC DISTRICT**

### **Sec. 16-20I.001. Statement of intent.**

The intent of the regulations for the Adair Park Historic District is as follows:

1. To enhance and integrate land use regulations, tailored to the historic character of this district, with existing land use regulations;
2. To continue the single- and two-family residential uses in the district;
3. To preserve and protect the historic attributes of the built environment of the district;
4. To preserve existing landscape features that exhibit or will assist in maintaining significant historic elements;
5. To maintain the spatial relationships that now exist between buildings, and between buildings and streets;
6. To require that additions and modifications to existing structures reinforce the historic qualities and features of the district;
7. To ensure that new development is consistent with the historic character of the district;
8. To encourage economic development, neighborhood revitalization and prevention of displacement of residents; and
9. To preserve and enhance the important aesthetic appearance of the district so as to substantially promote the public health, safety and welfare.

### **Sec. 16-20I.002. Scope of regulations.**

- (a) The existing zoning map and regulations governing all properties within the Adair Park Historic District shall remain in full force and effect. The following zoning regulations shall be overlaid upon, and shall be imposed in addition to, said existing zoning regulations. Whenever the following overlay regulations are at variance with said existing zoning regulations, the following regulations (chapter 20I) shall apply. All other statutes, rules, regulations, ordinances, or other governmentally adopted regulations pertaining to properties within this district shall continue to apply; and any variance between said other regulations and these overlay district regulations (chapter 20I) shall be governed by the interpretation provision set forth in section 16-20.011(c) of the code of ordinances.
- (b) Except when otherwise explicitly provided, the provisions of chapter 20 of this part shall apply to this district.

### **Sec. 16-20I.003. Boundaries.**

The boundaries of the Adair Park Historic District shall be as shown on the official zoning map adopted herewith entitled the "Adair Park Historic District." The district is divided into three (3) subareas, as shown on said official zoning map, which shall be known as:

1. The Residential Subarea;
2. The Transitional Commercial Subarea; and
3. The Transitional Industrial Subarea.

### **Sec. 16-20I.004. Organization.**

The overlay zoning regulations for the Adair Park Historic District are composed of two (2) parts. The first part consists of general regulations which apply to all property located within this district. The second part consists of specific regulations that apply to each of the subareas.

**Sec. 16-20I.005. General regulations.**

The following regulations shall apply to all properties within the Adair Park Historic District.

1. *The Compatibility Rule:* The compatibility rule is a method of requiring that alterations and new construction are sensitive and sympathetic to existing elements of design, scale and general character of the district with particular attention to the immediate environment constituting a particular block. In accordance with this purpose, the compatibility rule is as follows: "To the maximum extent possible, the element in question, such as roof form or architectural trim, shall substantially match that which predominates on that block. When elements are quantifiable, such as building height or floor heights, they shall equal the statistical average of all like elements of all structures of like use in that block." Those elements to which the compatibility rule applies are specified in regulations by reference to "compatibility rule."
2. *Variances:* The urban design commission shall have the power to hear, grant and deny variances from the provisions of this chapter when, due to special conditions, a literal enforcement of its provisions in a particular case will result in unnecessary hardship. The procedures, standards, criteria, and appeal provisions for decisions regarding such variances shall be the same as those specified in chapter 26 of this part 16, which provisions are hereby incorporated herein.
3. *Signs:* General advertising signs shall not be permitted in the historic district.

**Sec. 16-20I.006. Specific regulations--Residential Subarea I.**

In addition to the general regulations set forth in section 16-20I.005, and any other applicable regulations, the following regulations shall apply to all properties located within Residential Subarea I:

1. *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:
  - (a) *When required:*
    1. To change the exterior appearance of any portion of a structure within the subarea, when said change can be seen from the public right-of-way;
    2. To erect a new structure or to make an addition to any structure within the subarea, when said new structure or addition can be seen from the public right-of-way; and
    3. To demolish or move any contributing structure, in whole or in part, within the subarea.
  - (b) *Type required:*
    1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
    2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate required under subsection 16-20I.006(1)a. above shall be those specified in section 16-20.008 of the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.

2. *Financial Hardship Exemptions:*

- (a) These regulations set forth a minimum standard of architectural compatibility within the subarea. However, in order to balance this concern with other equally important objectives in the district, including economic development, neighborhood revitalization, and prevention of displacement of residents, the urban design commission may allow reasonable exemptions from these regulations on the ground of economic hardship to the property owner. The burden of proof that the regulations and guidelines pose such a hardship shall be on the property owner.
  - (b) In order to qualify for an economic hardship exemption, the applicant(s) must first make a showing that the alteration(s) requested is necessary in order to continue utilizing the structure for its intended purpose.
  - (c) If the urban design commission finds that this requirement of subsection 16-20I.006(2)b. herein is satisfied, they shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
    - 1. The present and future income of the property owner(s) and those occupying the property;
    - 2. The availability, at present or in the future of other sources of income or revenue, including loans, grants, and tax abatements;
    - 3. The cost associated with adherence to the subarea regulations;
    - 4. The degree of existing architectural importance and integrity of the structure; and
    - 5. The purpose and intent of this chapter.
  - (d) The urban design commission shall balance these factors as applied to the applicant for said exemption and shall grant said exemption, in whole or in part, as appropriate to the case upon a finding that the economic hardship to the applicant is significant and substantially outweighs the need for strict adherence to these regulations.
3. *Lot Size:* In addition to the requirements of the subdivision and zoning ordinances, the compatibility rule specified in this chapter 20I shall apply to all subdivisions and aggregations of lots with regard to lot size, dimensions and configurations.
4. *Architectural Standards:*

(a) *Building facades:*

- 1. All new construction shall conform to the existing building orientation (setbacks) by having sidewalks, front yards, porches and front doors facing and parallel to the street, and if located on a corner, the main facade shall face the principal street whenever possible.
- 2. At a minimum, the front of all new construction, including any portion thereof, shall be placed at the distances from the street determined by the compatibility rule. This requirement shall also apply to those sides of corner lots which also face a street.
- 3. All building materials which upon completion are visible from the public right-of-way, shall be compatible with those which predominate in the subarea.
- 4. Siding repair or replacement shall match the original materials in scale and direction. Wood clapboard, if original is preferred; however, aluminum, masonite vinyl or other horizontal siding is permitted if window trim, cornerboards, and fascia/bargeboards are left in place or replaced with new material to match the original.

5. Contemporary design of new construction, compatible with adjacent and surrounding structures, is permitted.
6. No structure shall exceed that height established by the compatibility rule, with a permitted differential of ten (10) percent.

(b) *Windows and Doors:*

1. Architecturally significant windows and doors, including details, trimwork, and framing, shall be retained.
2. Original window and door openings shall not be blocked or enclosed, in whole or in part.
3. Replacement windows and doors shall be permitted only when originals cannot be rehabilitated. Replacement windows and doors shall match the original in style, materials, shape and size with no more than a one-inch width or height difference from the original size.
4. Dropped ceilings, when located below the head of a window, shall be sufficiently recessed from the window opening to maintain the original exterior appearance.
5. New doors and windows, when permitted, shall be compatible in scale, size, proportion, placement, and style to existing windows and doors.
6. The ratio of openings to solid for all new construction (for example, windows to wall) shall be established by the compatibility rule, with a permitted differential of ten (10) percent.
7. The scale, size, and proportion of all openings in new construction shall be established by the compatibility rule with a permitted differential of ten (10) percent.
8. New windows or doors added to existing structures shall be located on sides or to the rear of buildings, rather than on the front.

(c) *Foundations:*

1. Foundation materials, including infill materials, shall replicate the original materials in size, shape, color, texture and mortar, and shall be installed using construction techniques similar to the original.
2. New foundations shall be of masonry or concrete construction. Other foundation materials are permitted provided they are appropriate to the building on which they are located and in scale, materials, and style with adjacent and surrounding buildings.
3. Slab on grade is not permitted.
4. Lattice, painted concrete block, brick or stucco shall be used as infill between foundation masonry piers when infill is otherwise required.

(d) *Storm doors, storm windows, shutters and awnings:*

1. Shutters shall be operable or appear operable, and shall fit the size of the window.
2. Replacement shutters shall match the original shutters in design, materials and configuration.
3. Storm doors, screen doors or storm windows shall be of compatible design and shall not cover, obscure or dominate significant architectural details.
4. Fabric and metal awnings are permitted. All other types of canopies and awnings are prohibited.

(e) *Chimneys:*

1. Chimneys shall match original materials, mortar, color and pattern whenever possible.
2. New chimneys shall be faced with brick or stucco.
3. Siding on chimneys is prohibited.

(f) *Roofs:*

1. Roofing materials shall be of the same size, texture and materials as existing, exposed roofing materials when the existing, exposed roofing materials constitute a significant architectural feature of the structure.
2. Cold-rolled roofing is permitted only on flat roofs. Corrugated metal and corrugated fiberglass roofs are not permitted.
3. The shape and pitch of roofs for new construction shall be subject to the compatibility rules.
4. Decks, skylights, solar panels and communication equipment, when otherwise allowed by these or other regulations are permitted on roofs of buildings provided they cannot be seen from the public right of way.

(g) *Porches:*

1. Architecturally significant porches, steps and stoops shall be retained.
2. Replacement porches, steps and stoops shall match the original in size, style and materials.
3. Porches may be enclosed with screenwire or glass if the main characteristics of a front porch are maintained.
4. Porches shall contain balustrades, columns and other features consistent with porches in that block.

(h) *Accessory structures:* Accessory structures, such as carriage houses, smoke houses, greenhouses, tenant and alley houses, private garages, carports, air conditioners and heating units, can be located to the side or rear of the main structure within the buildable area of the lot and shall not project beyond the front of the main structure. In addition, said structures shall be located in the least visible location within permissible areas. Screening with appropriate plant or fence materials is required if said structure is visible from the public right-of-way.

(i) *Fences:* Fences shall be fabricated of brick, cast iron, wrought iron, stone and wood pickets. Fence lines shall follow the property line. Fences shall not obscure the front facade of the building. Chain link type of fencing shall be located to the rear of the lot and shall not extend beyond the front facade of the main structure into the front yard.

(j) *Walls:* Concrete block may be used in retaining walls, but stone or brick facing material is required.

(k) *Ornaments:*

1. Architecturally significant ornaments, such as corner boards, cornice, brackets, downspouts, railings, columns, steps, doors and windows moldings, shall be retained.
2. Replacement ornaments shall be permitted only when originals cannot be rehabilitated.

3. Installation of new ornaments, where none previously existed, shall be permitted only when it is in accordance with the architectural style of the original structure.

5. *Paved Surfaces:*

- (a) The original layout, patterns and paving materials of sidewalks, curbs and streets shall be retained.
- (b) Resurfacing or new installation of paved areas, other than those specified in subsection 16-20I.006(5)a. above, including driveways, walkways, and patios, or portions thereof, shall match the color and materials of the original surface whenever possible.

6. *Off-Street Parking Requirements:*

- (a) Off-street parking shall not be permitted in the front yard.
- (b) Carports and garages shall be behind the rear of the main structure. If the main structure is located on a corner lot, the front yard setback for that side of the street shall apply to the construction of a carport or garage.

7. *Signs:*

- (a) Identification signs for home occupations shall not exceed two (2) square feet in area.
- (b) Identification signs for institutional uses shall not exceed 30 square feet in area.

**Sec. 16-20I.007. Specific regulations--Transitional Commercial Subarea II.**

- (a) The following regulations shall apply to all properties located within the Transitional Commercial Subarea II. These regulations are intended to mitigate any nocuous effects that the commercial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. *Development Controls:*

- (a) *Setbacks:* The compatibility rule shall apply only to front yard setbacks. A variance of up to five (5) percent shall be permitted. Other setbacks shall be regulated by the applicable commercial district regulations.
- (b) *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one times the net lot area.

2. *Maximum Height:* The compatibility rule shall apply to the height of all structures, additions and alterations. A variance of up to 10 percent shall be permitted.

3. *Screening:* In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.

- (b) In addition to the above regulations, all contributing structures in the Transitional Commercial Subarea I shall comply with the following regulations.

1. *Certificates of Appropriateness:* Certificates of appropriateness within this subarea shall be required as follows:

- (a) *When required:*

1. To change the exterior appearance of any portion of a contributing structure within the subarea, when said change can be seen from the public right-of-way;
2. To make an addition to any contributing structure within the subarea, when said addition can be seen from the public right-of-way; and
3. To demolish or move any contributing structure, in whole or in part, within the subarea.

(b) *Type required:*

1. Type I certificates of appropriateness for ordinary repairs and maintenance are not required in this subarea. This exemption in no way obviates the requirements for certificates of appropriateness for all minor alterations (Type II), major alterations (Type III) and demolitions (Type IV, except partial demolitions).
  2. Except with regard to Type I certificates, the procedures for determining the appropriate type of certificate shall be those specified in the zoning code, provided, however, that a partial demolition shall require a Type IV certificate of appropriateness only when said partial demolition will result in the loss of significant architectural features which destroys the structure's historic interpretability or importance.
2. *Architectural Standards:* All contributing structures shall comply with the architectural standards as set out in section 16-20I.006(4)a through k.

**Sec. 16-20I.008. Specific regulations--Transitional Industrial Subarea III.**

The following regulations shall apply to all properties located within the Transitional Industrial Subarea III. These regulations are intended to mitigate any nocuous effects that the industrial subarea may have on adjoining residential uses within the Adair Park Historic District. These regulations further intend to maintain compatibility between the existing and future uses of the subarea and the overall residential character of the district as a whole.

1. *Certificates of Appropriateness:* Certificates of appropriateness are not required in the Transitional Industrial Subarea III, but all new construction and development shall conform to the following regulations.
2. *Development controls:*
  - (a) *Setbacks:* The compatibility rule shall apply only to front yard setbacks. A variance of up to five (5) percent shall be permitted. Other setbacks shall be as regulated by the applicable industrial district regulations.
  - (b) *Bulk Limitations:* Floor area ratio shall not exceed an amount equal to one (1) times the net lot area.
3. *Maximum Height:* No new structures, additions or alterations shall exceed two (2) stories in height.
4. *Screening:* In addition to the screening required for any lot in this subarea which abuts a residential use on the rear lot line, without an intervening street, there must also be a five-foot-wide buffer planted with tree and/or shrub materials.